

## EXHIBIT A

*LG Philips LCD Co., LTD v.  
Tatung Company, et al.*

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*Hearing  
April 25, 2006*

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*Hawkins Reporting Service  
715 N King Street  
Suite 3  
Wilmington, DE 19801  
(302) 658-6697*

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[1] until March 17th when we first produced [2] documents showing the volume of those [3] transactions and the amounts of those [4] transactions, the costs, the price of those [5] transactions, we know we didn't tell you until [6] March 17th, but we're going to continue to [7] oppose your motion, that you didn't do any [8] third-party discovery, we are going to say LG [9] America is a third party so there is no way for [10] you to get this.

[11] THE COURT: I get it. I [12] understand what the support is.

[13] Is there any other matters that [14] the defendant wants to present at this time [15] before I hear from the plaintiff.

[16] MS. GABLER: I believe that's it, [17] Your Honor.

[18] THE COURT: Thank you. Who is the [19] judge assigned in California?

[20] MS. GABLER: Judge Marshal.

[21] MR. BONO: May it please the [22] Court, Your Honor.

[23] THE COURT: Good morning.

[24] MR. BONO: Good morning. The

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[1] first issue I would like to address, Your Honor, [2] is our request for the summary information that [3] is at issue and I think to clarify the issue for [4] the Court, may I hand up to the Court a brief [5] summary of the four items that we have requested [6] and are seeking.

[7] THE COURT: Yes.

[8] MR. BONO: Thank you, Your Honor.

[9] THE COURT: Mr. Bono, do you have [10] a copy for my law clerk, please.

[11] MR. BONO: Yes, absolutely.

[12] THE COURT: Thank you.

[13] MR. BONO: I apologize. There is [14] one typo on it that I hand wrote in.

[15] But in the first paragraph here, [16] Your Honor, I simply summarize the four items [17] that we have been requesting from CPT that they [18] have refused to give us.

[19] The first item is a list showing [20] which modules and products, which use which [21] types of tape carrier packages. Now, as we have [22] been striving to do since the beginning of this [23] case as Your Honor instructed months ago is to [24] try to narrow the focus of this case for trial

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[1] and to come up with representative products and [2] claims that we can take to trial.

[3] And so we have asked CPT to give [4] us in a simple document, and we had raised this [5] several times with them now for months, of just [6] saying this model

number and it uses this CPT [7] supplied by a certain supplier. And without [8] that information, we are really unable to come [9] up with representative products to narrow the [10] scope of this case.

[11] Now, on the other side CPT has [12] requested LPL to give them a list and they [13] fought very hard for it, for us to list our [14] modules with the identification of the tape [15] carrier package used in each model.

[16] Pursuant to their demand we in [17] fact produced that list to them. So in effect [18] they have asked us for the same information, we [19] gave it to them, we have asked for similar [20] information from them and they are refusing to [21] give it to us. And we would ask that they be [22] required to give us this list which is very [23] simple to put together which just identifies [24] their module numbers and then what TCP product

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[1] is in each of those modules. And that would be [2] with respect to the '121 patent.

[3] The second item on our list is a [4] list identifying —

[5] THE COURT: Now, with respect to [6] that request, you have heard counsel contend [7] that the '121 patent has a validity problem by [8] virtue of an on-sale bar.

[9] MR. BONO: I have heard that, Your [10] Honor, yes.

[11] THE COURT: And with all the [12] notice that they contend they have given to [13] plaintiff, your view is that that is not a [14] sustainable contention?

[15] MR. BONO: Our argument is, Your [16] Honor, that there is insufficient proof and [17] evidence showing that the product that they're [18] talking about has the particular TCP package in [19] it that they contend was sold.

[20] THE COURT: Just so I'm clear, [21] your client's position is that that's not in the [22] packet, the module —

[23] MR. BONO: Your Honor, to be [24] clear —

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[1] THE COURT: Right.

[2] MR. BONO: — that product which [3] they're talking about used two different TCP [4] packages, one was the TCP package that does not [5] contain the invention, and some contained the [6] invention.

[7] THE COURT: So let's focus on the [8] ones that contained the invention.

[9] MR. BONO: Yes.

[10] THE COURT: Have you learned in [11] your dealings with your client whether

or not [12] the invention packet was on sale as understood [13] under the patent laws prior to the critical [14] date?

[15] MR. BONO: I have been unable to [16] ascertain that fact from the client.

[17] THE COURT: One way or the other?

[18] MR. BONO: Yes, Your Honor. We [19] know that the — both packages were in the [20] product and the client has been unable to [21] identify for us which TCP was in which of those [22] modules prior to the critical date. We know the [23] module number that's at issue was on sale prior [24] to the critical date, but we don't know whether

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[1] the modules that were sold prior to the date [2] contained the invention TCP. That's what they [3] don't have information on, Your Honor. I have [4] quizzed them repeatedly.

[5] THE COURT: Now, the defendants [6] contend that in addition to the client's [7] knowledge that your law firm has a relationship [8] on the prosecution side of intellectual property [9] with the client.

[10] MR. BONO: That's correct, Your [11] Honor.

[12] THE COURT: And what you're [13] telling me is even with that relationship, [14] you're unable to get this information about the [15] '121 patent products sold by the client?

[16] MR. BONO: Yes, Your Honor. We [17] did not have at the time — at the time I was [18] not involved in the patent prosecution, but at [19] the time of the patent prosecution we had no [20] knowledge about the product being sold prior to [21] the critical date.

[22] THE COURT: No, I hope you [23] wouldn't have.

[24] MR. BONO: Right. The situation

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[1] is —

[2] THE COURT: What I'm interested in [3] knowing is because of that relationship and [4] because of that prosecution work, you haven't [5] been able to shed any additional light on — as [6] attorneys your knowledge about the issue raised [7] by defendant for purposes of this litigation.

[8] MR. BONO: That's correct, Your [9] Honor, I have investigated this and I have [10] spoken with the client about this issue, and [11] they are unable to say whether the particular [12] TCP which contains the invention was contained [13] in the modules sold prior to March 23, that were [14] sold in the U.S.

[15] I have quizzed them repeatedly, [16] and they don't have documentation

and still being (21) produced out of LPL in the California action and (22) CFT has had almost no damages discovery against (23) LPL and that's one of the primary reasons that (24) the trial date was delayed.

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(1) THE COURT: And what do you on a (2) scale of one to ten, one being the least (3) connected, ten being the most connected, would (4) you rate the California case to this case.

(5) MR. BONO: It's hard for me to (6) say, Your Honor. Certainly the sales (7) information that CPT produced in that case are (8) relevant to this matter. The discovery on CPT's (9) distribution network is relevant to this matter (10) because it really fundamentally talking about (11) the same LCD modules, obviously the California (12) case deals with different patents than this (13) case, but as far as the modules, the general (14) modules that we're talking about, they do (15) overlap so the sales information is related.

(16) As far as the —

(17) THE COURT: So it's four or so?

(18) MR. BONO: Yes, Your Honor, four (19) or five.

(20) THE COURT: Would that be your (21) view, also?

(22) MS. GABLER: I would say ten, Your (23) Honor.

(24) THE COURT: Ten.

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(1) And those cases are '02 and '03 (2) cases, and are they all consolidated for trial (3) in October?

(4) MS. GABLER: No, Your Honor.

(5) THE COURT: Which case is going to (6) trial with Judge Marshal in October?

(7) MS. GABLER: The lead case against (8) CPT and Tatung is going to trial October 3rd.

(9) THE COURT: Is that the '02 case.

(10) MS. GABLER: That's the '02 case, (11) yes, Your Honor. And then the customer cases (12) were consolidated with that main case for (13) purposes of discovery but not for trial. But (14) those cases are also pending before Judge (15) Marshal so we do expect her to tee those up (16) fairly quickly after having a resolution in the (17) main case since the discovery was basically (18) completed in terms of the customers also, so it (19) wasn't that the discovery was trailing.

(20) THE COURT: But Judge Marshal is (21) intending to try the '02 case in October of 2006 (22) now?

(23) MS. GABLER: October 3rd, yes, (24) Your Honor.

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(1) THE COURT: Okay. I'm going to (2) recess and come back and give you my answers.

(3) MR. BONO: Can we correct one (4) thing?

(5) THE COURT: Yes.

(6) MR. BONO: Counsel was incorrect (7) on that was the reason for the postponement.

(8) THE COURT: Don't worry, whatever (9) the reason was it's an '02 case going to trial (10) in 2006 in a district with a three, four or five (11) on a plaintiff's summation and a ten on the (12) defendants, it's like when I was out there last (13) June I heard how many cases go to trial in other (14) districts, I like to fall out of my chair.

(15) We will be in recess.

(16) (A brief recess was taken.)

(17) THE COURT: All right. Be seated, (18) please. Okay. Here is how we're going to (19) proceed. Each side will designate one lawyer (20) and one lawyer only to deal with the ongoing (21) issues in this litigation.

(22) The first issue that we're going (23) to deal with presented by the parties is the (24) '121 patent. And I'm going to order that

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(1) counsel for the plaintiff make a determination (2) whether or not they want to pursue infringement (3) claims under that patent by Monday, May 1. You (4) can drop the patent from the case.

(5) If I maintain the infringement (6) claims under that patent, then I'm going to (7) allow the defendants to have discovery against (8) that patent on the issue of an on-sale bar (9) through May 12th of 2006. That discovery can (10) include document production from the subsidiary (11) of plaintiff as well as three 30(b)(6) (12) depositions of the plaintiff and one deposition (13) of counsel that prosecute the patent, (14) understanding that they're from the firm (15) involved in this litigation.

(16) If there is any additional (17) discovery to be taken, it will be discussed (18) after that discovery is complete, it will be (19) discussed at a discovery conference scheduled (20) for May 15th at 9:30 a.m. here in the courtroom.

(21) With regard to the damages (22) discovery, we're going to allow commencement (23) of (24) that discovery immediately. Any issues (24) concerning that discovery, plaintiffs shall

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(1) provide by Wednesday, May the 3rd, and defendant (2) can provide any issues it has, this is a written (3) submission, and respond to plaintiff's (4) submission on

Monday, May the 8th.

(5) With regard to the plaintiff's (6) pending request as presented this morning and in (7) papers filed yesterday, I'm going to take that (8) up in a written order that will be entered by (9) the end of this week. There is going to be some (10) relief granted on that request and I'm just (11) going to take a look at the, a more detailed (12) look at the California dockets and take a look (13) at the papers submitted from the California case (14) and then I'll enter my order on that request.

(15) With regard to the enlargement of (16) discovery as requested by defendant, I'm going (17) to take that under advisement until the (18) completion of the discovery on the '121 on-sale (19) bar defense on May 12th.

(20) The parties should continue to (21) understand the trial in this matter is going to (22) commence on July 17th, 2006, and that all the (23) other dates that have been targeted by both (24) parties to some extent more so by defendants

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(1) including the — I don't think there is any (2) significance in the reconsideration motion, I'm (3) just holding that, and I'll certainly hold it (4) now until we get to May 12th.

(5) With regard to the claim (6) construction, depending on the resolution of the (7) '121 patent, we'll enter the claim construction (8) on whatever terms remain from the thirteen in (9) very expeditious fashion. I don't think it's (10) going to have that much of an impact on the case (11) in any event, it may have some.

(12) And we'll get the — the parties (13) should be anticipating that expert reports, (14) which is a date that was targeted, are initiated (15) and completed probably at this time again (16) waiting to find out about the '121 patent, (17) Friday, June 16th, with depositions to occur the (18) week of the 19th and the 26th of June.

(19) And for present purposes, that (20) covers I think the decisions that I want to make (21) at this time. The protective order issue, I'm (22) sorry, the protective order issue, counsel can (23) be in contact with the other courts and if there (24) is any desire to move other than the Central

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(1) District of California case materials here, that (2) should be presented also by May 5th, Friday, May (3) 5th, 2006, so I'll have some understanding of (4) what's being moved into this case. And again, I (5) don't see a problem with that unless it's (6) abused, and hopefully that order

## EXHIBIT B

*LG Philips LCD Co., LTD v.  
Tatung Company, et al.*

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*Hearing  
November 16, 2005*

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*Hawkins Reporting Service  
715 N King Street  
Suite 3  
Wilmington, DE United States of America 19801  
(302) 658-6697*

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may not be selling it.

[9] THE COURT: Let's assume they're [10] not selling it but they're selling five other [11] models that are infringing but your preliminary [12] injunction doesn't address those other five.

[13] MR. BONO: I assume that after the [14] papers are submitted we have to address this [15] issue with the Court and whether we have to —

[16] THE COURT: Then you're wasting my [17] time.

[18] MR. BONO: To our knowledge these [19] models are still being sold, Your Honor. We've [20] looked at it yesterday and we determined that [21] the models are still being sold.

[22] THE COURT: But you understand that [23] you can only have an application that's [24] directed at not a moving target but a

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[1] stationary target. The target you've chosen [2] are two models, one each from the defendants?

[3] MR. BONO: Yes, Your Honor. One [4] from Tatung and one Viewsonic, yes, which both [5] contain a CPT module, yes, Your Honor. And to [6] our knowledge —

[7] THE COURT: That's all you're [8] litigating in the preliminary injunction [9] application?

[10] MR. BONO: Yes, Your Honor. [11] Without having any further information, yes.

[12] THE COURT: So you're saying [13] without further information then you don't [14] really have the need for preliminary [15] injunction.

[16] MR. BONO: No, Your Honor. To our [17] knowledge those products are still being sold [18] in the US market, yes.

[19] THE COURT: Well, let's assume that [20] they're selling those two and let's assume [21] they're selling ten other models. Your [22] application is only directed to two. The other [23] ten won't be subject to any order of the court, [24] so what have you gained? Unless you're trying

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[1] to develop an immediacy in your litigation, [2] then you should be asking for something else. [3] But if it's not going to foreclose them from [4] infringing of your patent claims, what do you [5] gain? That's what I don't understand.

[6] MR. BONO: Your Honor, I don't have [7] sufficient information as to their other models [8] to address that question of the Court. We [9] don't have it at this point. Whether they have [10] other models will infringe or not, I don't [11] know.

[12] THE COURT: If I were them, I [13] wouldn't tell you about them in the context of [14] the preliminary injunction application either. [15] I would understand if I was on the other side [16] of you that all you asked for are these two [17] models to be enjoined.

[18] MR. BONO: I understand, Your [19] Honor.

[20] THE COURT: And save all the rest [21] for later.

[22] MR. BONO: For another day.

[23] THE COURT: That's what later is, [24] another day.

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[1] MR. BONO: Yes, Your Honor.

[2] THE COURT: Tell me this, I know [3] you're frustrated because I read your papers, [4] that you think they engaged in delay on the [5] other side of the case and you think that they [6] are doing that repeatedly in the central [7] district in California and the way they handled [8] the service delay here and in other ways. [9] And so when you sat down, is that [10] what made you think that a preliminary [11] injunction would be a good idea? Because is it [12] the delay frustration that they're still out [13] there selling and you're not able to get them [14] into a final decision? Because there are other [15] recommendations if that's what you're trying to [16] convince me of.

[17] MR. BONO: No, that was not part of [18] our thinking as far as seeking the preliminary [19] injunction. But as far as our opposition to [20] their claim for the extension and for [21] deposition discovery, yes, that's part of my [22] thinking because I know their game plan.

[23] And I can guarantee to this court [24] as sure as we're sitting here this afternoon,

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[1] that if you grant them deposition discovery, [2] the preliminary injunction motion will be here [3] next June and it may still not be ready for the [4] Court's decision. Because in terms of [5] scheduling, because I know they'll want to [6] schedule Mr. Bohanan's deposition and we have [7] to work to do that and there will be delays on [8] that. And then when they put in their expert, [9] I'll have to run him around to try to get a [10] time when they are available to produce him. [11] There will be further delays. And every time [12] they put in a declarant. And it will be six [13] months from now and they still will not have [14] filed their opposition to this PI motion.

[15] Because I can guarantee you that [16] something will happen and they'll file another [17] application to this Court because they've had a [18] track record of

it time and time again. They [19] do it in every case we've had against them. [20] And it's their modus operandi.

[21] And so my concern is I understand [22] the Court wants to make sure that there's an [23] adequate record on the preliminary injunction [24] motion and I understand that. And the Court

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[1] want to give them adequate time to develop the [2] defenses they've laid out for the Court. And [3] I'm willing to give them the document they've [4] requested in a reasonable time. We can produce [5] that in two weeks.

[6] THE COURT: Do you want discovery [7] against all the products they sell?

[8] MR. BONO: Your Honor, if they're [9] going to claim that these two products are no [10] longer being sold but they're being sold under [11] a different — but the real situation is [12] they're now being sold under a new product [13] number, a new model number, but it's really [14] essentially the same product, I think that [15] would be an inappropriate defense for this [16] preliminary injunction motion on their part [17] because they're real playing fast and loose [18] with what the point here is.

[19] The point here is we bought these [20] products that were being sold here in Delaware [21] right before we filed this lawsuit and they're [22] available in the market. Now they come in and [23] say, you know, we changed the model number on [24] these products so we're not selling these

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[1] anymore. Now we're selling the X5s. And low [2] and behold, I can virtually guarantee to the [3] Court that these other products that they're [4] now making have this tape carrier package with [5] the dummy package in it because that's the way [6] things are done now to remove this problem with [7] the brightness variation.

[8] And so what they're basically doing [9] is they changed the package of their product, [10] they put a little bit different model number, [11] maybe they moved the name "Viewsonic" from the [12] left side to right side, they put a little [13] different color gray on the way they package it [14] and say this is our new product so we no longer [15] sell the one you're seeking an injunction [16] against. [17] I think that's inappropriate [18] because if essentially what's in their product [19] is the same thing, I think that it would be [20] fair for us, just like they want information [21] from us, that we be entitled to have the [22] information on their other products that [23] contain the tape carrier package and the dummy [24]